THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.27565 of 2005

Date: 03.01.2006

Between:

T.A.Padmanabhan.

.. PETITIONER

AND

Tirumala Tirupati Devasthanam, Tirupathi and another.

.. RESPONDENTS

ORDER:

The petitioner was initially appointed as an NMR in the year 1979. Thereafter, he was appointed on regular basis as a Packer in the year 1988. The petitioner states that there is no promotional avenue from the post of Packer and that his claim for promotion to the post of 'Junior Assistant' was not considered. Claiming the same, he filed W.P.No.16252 of 1994 before this Court. The Writ Petition was disposed of on 31.10.1995, directing the respondents to consider the case of the petitioner. In pursuance of the directions issued by this Court, the respondents issued a Memo, dated 10.10.1998, informing the petitioner that the promotion to the post of Junior Assistant is confined only to the Cadre of Assistants and Sharrofs and it is not possible to accede to the request of the petitioner. The petitioner contends that he made a representation in April 2005 and in fact, he was called for interview through notice, dated 16.04.2005, but no further action has been taken thereon.

Sri G.Vidya Sagar, the learned counsel for the petitioner submits that the petitioner is stagnating for the past 17 years in the same post and there does

not exist any justification on the part of the respondents to deny any promotion to him. He places reliance upon the Circular, dated 16.03.1999, issued by the respondents.

The learned Standing Counsel for the respondents, on instructions, submits that when there do not exist any promotional avenues for the post held by the petitioner, he cannot claim promotion, as of right, against different categories of posts. He contends that though certain proposals have been received in pursuance of the Circular, dated 16.03.1999, final action is yet to be taken in that regard.

The petitioner is appointed as a Packer. According to the relevant Service Rules, there is no promotional avenue for that post. Drawing parity with the posts of Attenders and Sharroffs, the petitioner contended that he is eligible to be promoted to the post of Junior Assistant. However, as the T.T.D.Service Rules stand now, the post of Junior Assistant is to be filled either by direct recruitment or by promotion from the cadre of Assistant or Sharroff.

The respondents themselves took note of the fact that there are several posts in the organization, which do not have the promotional avenues, and issued a Circular, dated 16.03.1999, for identifying such posts, so that remedial measures can be taken. The representation made by the petitioner can certainly be treated as a proposal in this regard. Promotion is treated not only as an incentive, but in many cases, it assumes the character of independent right by itself. The petitioner cannot be made to languish in the same post for decades together. Once the respondents have taken a policy decision to ensure that no post is left with promotional avenue, they are under obligation to carry the matter further and translate the same into reality.

Hence, the Writ Petition is disposed of, directing the 1st respondent to take necessary measures as provided for under the Circular, dated 16.03.1999, with respect to the post of Packer held by the petitioner, within a period of six (6)

months from the date of receipt of a copy of this order. Depending on the nature of the finality given to such a proposal, the case of the petitioner shall be considered forthwith. There shall be no order as to costs.

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03.01.2006

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